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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,658	01/08/2002	Brian Carl Stanz	021756-024600US	6991

51206 7590 08/19/2008

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EXAMINER	
LERNER, MARTIN	
ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
08/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/042,658	STANZ ET AL.	
	Examiner	Art Unit	
	MARTIN LERNER	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38, 40 to 42, 44, and 47 to 49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38, 40 to 42, and 47 to 49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/07/2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 38, 41, and 47 to 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al*. in view of *Malcolm ('903)*.

Concerning independent claim 38 and 47 to 49, *Yamamoto et al*. discloses a method, system, and software program for performing contextual software translations, comprising:

"providing a first iteration of a computer program, wherein the computer program comprises source text in a first natural language" – a translator receives human language text for a software application to be translated; text elements are captured in text files and delivered to translators for translation (column 4, lines 27 to 31); text to be translated includes, *e.g.*, "CANCEL" and "OK" text buttons for a GUI written in Java (column 6, lines 43 to 65: Figure 5); translation is between natural languages of Country A and Country B, *e.g.* between English and Japanese;

"providing an interface for a translator to provide a translation of at least some of the source text into a second natural language" – the translator is presented with a

graphical user interface in the base language, and can then interactively translate each text label on the screen (column 3, lines 13 to 15); a software package is translated into another (or more than one) language for each text message, menu, and button (column 1, lines 34 to 41);

"displaying, for the translator, a first display screen of a first version of the computer program in the first natural language, the first display screen displaying the source text in the first natural language, as it will appear in a first version of the computer program" – when the translation tool is run, it retrieves both the text to be translated and the contextual information from localization files, and uses this information to create a GUI display ("a first display screen") which is similar to that of the original program; the translator can then translate the text in the proper context ("as it will appear in a first version of the computer program") (column 3, lines 19 to 25); when the text is to be translated, the contextual information is read, and a button, with the original text, is displayed on the screen ("a first display screen of a first version of the computer program in the first natural language") (column 5, lines 20 to 23; column 7, lines 25 to 27);

"displaying, for the translator, a second display screen of a second version of the computer program in the second natural language, the second display screen comprising the translation of the source text in the second natural language, as it will appear in the second version of the computer program" – when the translator selects the button, an editor pop-up window is displayed ("a second display screen"), and the translator will enter the translated text for that button (column 5, lines 23 to 26; column

7, lines 28 to 30); the translator is provided with direct contextual information about the item being translated; the complete translation has been performed in the context in which the button will appear in the final application ("as it will appear in the second version of the computer program") (column 4, lines 39 to 43; column 7, lines 33 to 35).

Concerning independent claims 38 and 47 to 49, the only elements not disclosed by *Yamamoto et al*. are "receiving modifications to the source text", "based on the received modifications to the source text, updating an update status table, wherein the update status table includes a record of the modifications made to the source text", "displaying, for the translator, the updated status table to indicate the modifications made to the source text", "providing an interface for the translator to access the modified source text to translate the modified portions of the source text", "wherein the providing of the interface for the translator is performed concurrently with development of the source text of the computer program", and "wherein the interface is configured to allow for translation of the modified source text currently with development and modification of the source text."

Concerning independent claims 38 and 47 to 49, however, *Malcolm ('903)* teaches that changes made during development are common to a software product, where a product passes through various stages prior to the end product. Therefore, a number of screen panels for a given application are sent to a translation center before final program code is completed ("receiving modifications to the source text"). To track and log changes, a change log file is generated as a result, where the change log file is used by translators to minimize the amount of work required when a new file is received

("based on the received modifications to the source text, updating an update status table, wherein the update status table includes a record of the modifications made to the source text"). The change log file is then sent to the translation centers for expedient processing to reduce the amount of work in subsequent translations ("displaying for the translator, the updated status table to indicate modifications made to the source text"). The change log file is sent along with the new file requiring translation, and is accessible through a display for a translator, implicitly ("providing an interface for the translator to access the modified source text to translate the modified portions of the source text"). Moreover, the interface is provided for a translator "concurrently with development of the source text of the computer program" because a translator at a translation center receives versions of the program file to make changes during an engineering/software development cycle so that numerous activities can be done in parallel. (Column 3, Lines 8 to 11; Column 10, Line 16 to Column 11, Line 34) An objective is to obtain an improved system for generating application programs in a multilingual windows environment. (Column 3, Lines 12 to 17) It would have been obvious to one having ordinary skill in the art to provide an interface for displaying a record of modifications made to the source text for a translator as taught by *Malcolm ('903)* in a method, system, and software program for performing contextual software translations of *Yamamoto et al*. for a purpose of providing an improved system for generating application programs in a multilingual windows environment by tracking and logging changes through various stages to an end product in a typical engineering/software development cycle.

Concerning claim 41, *Yamamoto et al*. discloses translation of text messages, menus, and buttons ("the source text") from a software package of one language ("the first natural language") into a new language ("the second natural language") (column 1, lines 34 to 41); thus, the original software application from Country A provides "the source text", and the translated computer program is "the target software program" for Country B.

3. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al*. in view of *Malcolm ('903)* as applied to claim 38 above, and further in view of *Peterson et al.*

Yamamoto et al. discloses displaying a graphic user interface (GUI) that displays the original text to be translated with contextual information ("the first display screen") and an editor pop-up window ("the second display screen") on the same screen into which the translator enters the translated text for a button. (Column 5, Lines 14 to 26) Thus, it is maintained that *Yamamoto et al*. anticipates the limitations of "the first display screen and the second display screen are displayed simultaneously" because the original text button and the editor pop-up window are displayed on the same screen. It should not matter how big or small, nor in what format the original text and pop-up window are displayed to meet the limitation of the first and second display screens being displayed simultaneously. Alternatively, however, *Peterson et al.* teaches that it is known to provide a browser tool bar with windows for an original language and a

translation language ("the first display screen and the second display screen are displayed simultaneously") so that the linguist can scroll through the text of the document being translated in an original language text window and a corresponding translation language text window. (Column 5, Line 52 to Column 6, Line 29) It would have been obvious to one having ordinary skill in the art to display first and second screens for translating text simultaneously as taught by *Peterson et al.* in a method, system, and software program for performing contextual software translations of *Yamamoto et al*. for a purpose of permitting a linguist to scroll through windows during translation.

4. Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al*. in view of *Malcolm ('903)* as applied to claims 38 and 41 above, and further in view of *Lakritz*.

Concerning claims 42 and 44, *Yamamoto et al*. omits determining a translation status, updating a translation status, and monitoring development of the translation in response to detection of a revision of the translation. However, it is fairly well known to perform these activities in managing versions of documents during collaborative development. Specifically, *Lakritz* teaches a translation management system, where an update status module on a manager's console updates a translation status of translated documents. (Column 8, Lines 55 to 67: Figure 8) An objective is to provide management of monolingual documents to enable their translation into target languages, and make available a variety of translation resources to the user. (Column

1, Lines 6 to 13; Column 2, Lines 33 to 39) It would have been obvious to one having ordinary skill in the art to determine and update a translation status of a document so as to monitor the development and detect revisions as taught by *Lakritz* in a method, system, and software program for performing contextual software translations of *Yamamoto et al*. for a purpose of providing management of translations into target languages.

Response to Arguments

5. Applicants' arguments filed 18 June 2008 have been fully considered but they are not persuasive.

Applicants argue that independent claims 38 and 47 to 49 are allowable over *Yamamoto et al*. and *Malcolm ('903)* because the prior art does not disclose "wherein the interface is configured to allow for translation of the modified source text concurrently with development and modification of the source text." Applicants state that while *Yamamoto et al*. and *Malcolm ('903)* describe methods for facilitating the translation process, both fail to teach or suggest a process which allows for development and translation to occur concurrently. Applicants contend that both *Yamamoto et al*. and *Malcolm ('903)* allow for the translation process to occur after the completion of the software coding, whereas the independent claims allow for translation to occur at the same time as the coding, or concurrently (*i.e.* in real-time) with the coding of the software.

Firstly, however, it is not understood how the limitation of "wherein the interface is configured to allow for translation of the modified source text concurrently with development and modification of the source text" adds anything substantial to the independent claims that was not already present. Independent claims 38 and 47 to 49 already recite "wherein the providing of the interface for the translator is performed concurrently with development of the source text of the computer program". If the interface is provided so that translation can be performed concurrently with development of the source text of the computer program, then it would appear that the interface is similarly configured to allow for translation concurrently with development of the source text. The only term that is new is directed to "modification". Generally, though, the concept of "development" of the source text may imply that the source text is being modified. Thus, it is unclear whether Applicants have amended the claims in any manner as to do anything more than raise old arguments. Presumably, Applicants have merely made the amendments to emphasis a point they believed to be previously overlooked.

Secondly, it is maintained that both *Yamamoto et al.* and *Malcolm ('903)* disclose a development cycle where an interface is provided for the translator concurrently with the development and modification of the source text of the computer program. Specifically, *Yamamoto et al.* discloses development cycles for a translation/test of a software product. If a testing phase reveals programming errors, then the software product is shipped back for any necessary retranslation. (Column 4, Line 50 to Column 5, Line 6: Figures 3 and 4) When the translation tool is run, it retrieves both the text to

be translated and the contextual information to create a GUI display which is similar to that of the original program. (Column 3, Lines 19 to 26) Thus, during a development cycle, a software product may be modified. Any modified source text in a development cycle is displayed in an interface "concurrently" with the translation for the translator. Similarly, *Malcolm ('903)* discloses tracking and logging changes made during development of the initial panels. It is stated that changes are common in a typical engineering/software development cycle, where the product progresses through various stages prior to the end product. Therefore, a set of screen panels are sent to a translation center for a given application before the final code is completed. (Column 10, Lines 16 to 56) Again, during a software development cycle, screen panels are modified, and the modified screen panels are displayed for the translator.

Thirdly, Applicants' originally-filed Specification does not clearly disclose doing anything more "concurrently" than is performed by the prior art. The issue here is a reasonable construction of the term "concurrently". Where a term is vague or ambiguous, it may be necessary to understand it by referring to Applicants' Specification. However, the Specification as originally filed does not appear to disclose that the source text is being modified by the translator at the same time that the translation is being performed. Indeed, it would be rather confusing to the overall development of a software product if the translator were modifying the source text at the same time as the translation. And it would be beyond the expertise of the translator to modify the source text, which modification should be beyond any level of authorization for the translator to perform.

Looking at Applicants' Specification, then, it does not appear that an interface is configured to allow for translation of the modified source text concurrently with development and modification of the source text is any manner that is not suggested by the prior art. Applicants' Figures 23 and 30, as described on Page 35, Line 21 to Page 36, Line 4, and Page 39, Lines 1 to 6 of the Specification, are the only illustrated embodiments where both the source text and the translated text are displayed in the same interface. However, it is not clear how to construe the term "concurrently" from what is disclosed by Figures 23 and 30. Applicants' originally-filed Specification, Page 8, Line 14 to Page 9, Line 9: Figure 1, uses the term "concurrently" to describe how more than one target copy of a translation may be produced at second and third client computers 108b and 108c. However, assuming development of the source code application is performed on client computer 108a, the passage does not clearly disclose that development of the source code application occurs "concurrently" with translation into target copies by translators on second and third client computers 108b, 108c. At most, the term "concurrently" is being used to describe how translated target copies are performed "concurrently" with one another. More significantly, it is not clear how Applicants' claimed "concurrently" modifying differs in any manner from the standard method of a software development cycle of *Yamamoto et al.*, or a track changes feature as taught by *Malcolm ('903)*. Applicants are requested to point out where the term "concurrently" is expressly disclosed by the Specification, so as to better understand what is intended by that limitation.

Therefore, the rejections of claims 38, 41 to 42, 44, and 47 to 49 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al*. in view of *Malcolm ('903)*; of claim 40 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al*. in view of *Malcolm ('903)*, and further in view of *Peterson et al.*, and of claims 42 and 44 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al*. in view of *Malcolm ('903)*, and further in view of *Lakritz*, are proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin Lerner/
Primary Examiner
Art Unit 2626
August 14, 2008